



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,522	07/30/1999	ERIC HORVITZ	1018.028US1	9572

27195 7590 09/26/2005

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/364,522

Applicant(s)

HORVITZ ET AL.

Examiner

Rachna Singh

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-43.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

9/21/2005

With respect to claims 1, 10, 19, 24, 26 and 42, Applicant argues that Lewis's alerting a user based on the expected loss of non-review of a message is not the same as determining if a user is busy. Examiner disagrees. Lewis discloses an agent program for alerting a user when a relevant message appears. See page 246, column 2. Lewis takes into account the expected loss of non-review and alerts the user based on the expected loss. Lewis alerts the user based on the expected loss of non-review because "users want to examine at least some of the available information. Many users, however, are actively avoiding information. They want to spend no time with, and have no awareness of, a particular information source unless highly relevant material becomes available. The decision of which items, if any, are grounds for disturbing the user becomes critical." See page 246, 2nd column. It would have been obvious to a person of ordinary skill in the art at the time of the invention that Lewis's determination of the expected loss of non-review and alerting the user based on that determination takes into account that the user is busy and thus only disturbs the user and alerts the user to "highly relevant material" when appropriate. Lewis further recognizes that alerting the user based on the decision of which items are important is "grounds for disturbing the user" thus he is considering whether the user is busy because there would be no need to determine the loss of non-review if the user has already viewed the document. See page 246.

With respect to claims 3, 21, 28, and 37, Applicant argues that Forscher does not teach employing a sound in connection with the alert and that simply because a pager can use a sound to alert does not mean it has to. Examiner respectfully disagrees with Applicant. Forscher teaches setting off a pager when receiving a document with a certain priority. See page 3. Setting off a pager entails an audible sound; furthermore, while some pagers can be set to different modes such as vibration, even a vibration of a pager would make a sound.

With respect to claim 9, Applicant argues that Forscher does not teach alerting a user based on the priority being within a predetermined range. Examiner respectfully disagrees. Forscher teaches that based on the priorities, the prioritization stage will assign an integer priority to the message. A word with a certain priority can then set off his or her pager. See page 3.

With respect to claims 6 and 39, Applicant argues that none of the references disclose opening the document based on the predetermined criteria comprises centrally locating the document based on the priority of the document. Henderson teaches a system in which the user can control the display features of an email message. This can include centrally locating the document. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forscher/Cohen's predetermined criteria settings for controlling display features of the document based on the criteria as taught by Henderson since centrally located documents acquire the user's attention better than any other location on a display device.

With respect to claim 12, Applicant argues that Examiner takes official notice regarding displaying documents with greater priority than a predetermined threshold. Examiner disagrees that official notice has been taken. Examiner states that Lewis teaches ranking documents according to some predefined criteria. The predetermined criteria (such as importance or rank) can be set as a threshold from which a user is alerted when the expected loss of non-review exceeds that threshold. See Lewis pages 246-249. Alerting the user includes opening a document for review. See page 246.

With respect to claim 32, Applicant argues that an interaction context is not taught by the cited references. Forscher/Cohen does not teach an interaction context; however, Lewis discloses a document categorization system determines the cost of a document and ranks the retrieval of the system. The user is alerted when document considered to be relevant appears. The system determines the effectiveness of reviewing a document using a document classifier. See pages 246-249.

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
9/21/2005